

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY,
APPALACHIAN VOICES, and
THE SIERRA CLUB,**

Plaintiffs,

v.

**Civil Action. No. 1:19-cv-00576
Judge David A. Faber**

BLUESTONE COAL CORPORATION,

Defendant.

DEFENDANT’S RULE 26 (a)(3)(A) DISCLOSURES

Bluestone Coal Corporation (“BCC”) provides the following disclosures under Federal Rule of Civil Procedure 26(a)(3)(A):

BCC expects to present the following witnesses at trial, whose addresses and telephone numbers have been previously provided in 26(a)(1) and 26(a)(2) disclosures:

WITNESS LIST

Witness	May Call	Will Call
Davis Stoneburner	X	
Bill Johnson	X	
George Stephens	X	
R.B. (Barry) Doss		X
Steve Ball		X

In addition, BCC reserves the right to call any witness identified in Plaintiff’s 26(a)(3) Disclosures and/or called by the Plaintiff at trial.

BCC reserve the right to use any exhibit introduced into evidence by Plaintiff.

BCC identifies the following documents that they expect to offer and/or may offer as exhibits at trial:

EXHIBIT LIST

No.	Description	Will Use	May Use
1	(BCC000001 - BCC000837) 20-01-23 - Redfox Data		X
2	(BCC000838 - BCC000864) 20-01-24 - Bioreactor Docs		X
3	(BCC000865 - BCC001671) 2016 - Aquatic Life (Selenium)	X	
4	(BCC001672 - BCC002839) Outgoing Emails w-Attachments		X
5	(BCC002840 - BCC005271) Incoming Emails w-Attachments		X
6	(BCC005272 - BCC005665) Penalty Payments	X	
7	(BCC005666 - BCC006049) Selenium Emails w-Attachments		X
8	Deposition Transcript/Exhibits George Stephens		X
9	Deposition Transcript/Exhibits Barry Doss		X
10	Deposition Transcript/Exhibits Steve Ball		X
11	BCC Balance Sheet 2015		X
12	BCC Balance Sheet 2016		X
13	BCC Balance Sheet 2017		X
14	BCC Balance Sheet 2018		X
15	BCC Balance Sheet 2019		X
16	Justice Energy Company, Inc. Balance Sheet 2015		X
17	Justice Energy Company, Inc. Balance Sheet 2016		X
18	Justice Energy Company, Inc. Balance Sheet 2017		X

No.	Description	Will Use	May Use
19	Justice Energy Company, Inc. Balance Sheet 2018		X
20	Justice Energy Company, Inc. Balance Sheet 2019		X
21	DRAFT WV1006304 Permit	X	

Please note that defendant has marked 11-20 “CONFIDENTIAL” per the Protective Order entered herein [Doc 19]. Defendant further intends that certain pages of Mr. Ball’s deposition be treated as CONFIDENTIAL under the Protective Order, those being pages 11-14, 26-34, 41-44, 56-58 and 61-62.

Dated: July 10, 2020

Respectfully submitted,

BLUESTONE COAL CORPORATION,
By Counsel:

/s/ S. Benjamin Bryant

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BLUESTONE COAL CORPORATION,

Defendants.

CERTIFICATE OF SERVICE

I, S. Benjamin Bryant, counsel for Bluestone Coal Corporation, do hereby certify that on the 10th day of July, 2020, I served a true and exact copy of “Defendant’s Rule 26 (a)(3) Disclosures” via electronic mail, upon counsel of record as follows :

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/s/ S. Benjamin Bryant
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